

AGN. NO. 2

MOTION BY MAYOR MICHAEL D. ANTONOVICH

MARCH 7, 2006

AMENDMENT TO ITEM 2

I MOVE THAT the Board of Supervisors approve the interim control ordinance change and exempt from the conditional use permit those projects, for which a site plan has already been submitted for director's review prior to the adoption of this interim control ordinance, that front a major or secondary highway.

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MDA:sno

MOTION

MAR 07 2006

A/K

MOLINA	<u>Adopt</u>
BURKE	_____
YAROSLAVSKY	_____
KNABE	_____
ANTONOVICH	_____

In order to prevent incompatible development, it is necessary to institute an urgency measure temporarily restricting multi-family development until the zoning study is completed and additional regulations are considered by this Board. This urgency measure shall require that development of any multi-family projects on properties with R-3 zoning secure approval of a Conditional Use Permit (CUP), including a noticed public hearing.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Director of Regional Planning to initiate a zoning study for properties in Montrose with R3 zoning;
2. Adopt the attached interim urgency ordinance temporarily requiring a CUP for multi-family construction in the R-3 zoned properties as defined in the ordinance, declaring the urgency thereof and that this ordinance shall take immediate effect; and
3. Direct the Acting Executive Officer/Clerk of the Board of Supervisors to set a public hearing to consider an extension of this urgency ordinance on April 4, 2006 at 9:30 a.m.

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MDA:pno
montroseproperties2-28-06

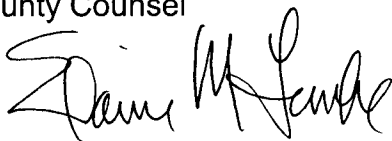
ANALYSIS

This interim ordinance temporarily regulates the development of multi-family residential uses in certain parts of the La Crescenta/Montrose area in the County of Los Angeles by requiring issuance of a conditional use permit prior to such development. This ordinance does not apply to buildings or building additions for which a valid building permit has been issued prior to the effective date of this ordinance nor to buildings or building additions for which site plans have been submitted for Director's Review prior to the effective date of the ordinance and which are located on a major or secondary highway.

This ordinance is an urgency measure and requires a four-fifths vote by the Board of Supervisors for adoption.

This ordinance expires forty-five (45) days after its adoption, unless extended pursuant to Government Code section 65858.

RAYMOND G. FORTNER, JR.
County Counsel

By 

ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:di

2/21/06 (requested)

3/3/06 (revised)

ORDINANCE NO. _____

An interim ordinance temporarily regulating the use of R-3 zoned property in the unincorporated community of La Crescenta/Montrose and declaring the urgency thereof.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim Prohibition.

Except for buildings or building additions for which a valid building permit has been issued prior to the effective date of this ordinance or for buildings or building additions for which site plans have been submitted for Director's Review prior to the effective date of this ordinance and which are located on a major or secondary highway, no buildings or building additions intended for multi-family residential use shall be permitted upon any property that is both: (1) within the geographical area described in Section 6 below; and (2) zoned R-3 (Unlimited Multiple Residence) as defined in Title 22 of the Los Angeles County Code, unless a conditional use permit is first issued in accordance with the procedures set forth in Part 1 of Chapter 22.56 of said Title 22.

SECTION 2. Authority.

Section 65858 of the Government Code provides that any urgency measure in the form of an initial interim ordinance may be adopted without prior public notice by a four-fifths vote of the Board of Supervisors, which shall be effective for only forty-five (45) days following its adoption. Government Code section 65858 further provides that

such an urgency measure may be extended, following compliance with that section, for up to an additional twenty-two (22) months fifteen (15) days beyond the original forty-five (45) day period.

SECTION 3. Definitions and penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the Los Angeles County Code shall apply to violations of the provisions of this interim ordinance.

SECTION 4. Zoning study to be initiated, determination of immediate threat.

The Los Angeles County Regional Planning Department intends to conduct a comprehensive zoning study to review all R-3 zoned properties in the affected neighborhoods of the La Crescenta/Montrose area to consider a possible permanent zoning ordinance amendment. Despite its R-3 zone designation, the area at issue has long been established and developed as a single-family residential area. More recently, however, large multi-family buildings have been built in the area. Future additional multi-family development without adequate controls may negatively impact traffic congestion and traffic patterns leading to hazards for motorists and pedestrians, cause on-street parking availability problems, lead to overcrowding of local schools, and detract from the physical appearance, conditions, and character of this primarily single-family home area. Unless this interim ordinance takes immediate effect as provided for herein, an irreversible incompatibility of land uses might reasonably occur as a result of

the approval of additional subdivisions, variances, building permits, site plans, or other applicable entitlements, all to the detriment of the public health, safety, and welfare. Accordingly, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, variances, building permits, site plans, or any other applicable entitlements for use would result in that threat to the public health, safety, or welfare absent implementation of the restrictions contained in this ordinance. If this interim ordinance does not take immediate effect, uses that may be in conflict with any permanent amendment to the zoning code for the La Crescenta/Montrose area that may be adopted as a result of the Planning Department study may be established, and these uses may continue after any permanent rezoning of the properties described in Section 6.

SECTION 5. Severability.

If any provision of this interim ordinance or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 6. Area of applicability.

The geographical area subject to the provisions of this interim ordinance is the unincorporated La Crescenta/Montrose community, which is located in the foothills of

the Angeles National Forest, bound on the south and west by the City of Glendale, on the north and northeast by the Angeles National Forest, and on the east by the City of La Canada/Flintridge in the County of Los Angeles.

SECTION 7. Urgent need.

This interim ordinance is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall take effect immediately upon adoption, and it shall be of no further force and effect forty-five (45) days following the date of its adoption unless extended in accordance with the provisions set forth in Government Code section 65858.

[LaCresenta/MontroseUrgOrd]